

# **2003 TOWN ELECTION GUIDEBOOK**

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## FOREWORD

Elections are an integral part of our nation's government process and a fundamental right of all citizens. The efficient administration of our election laws is crucial to the confidence we place in that process, and the purpose of this *Town Election Guidebook* is to assist the elected town official in implementing election procedures.

The purpose of the Indiana Association of Cities and Towns is to serve as a partner in good municipal government to cities and towns in the state. As a basic part of the government process, it is important that we work with the Indiana Election Division to provide current, useful information regarding the administration of town elections.

The preceding four years have brought numerous changes to local election law, and this guidebook contains updated information reflecting those changes. It is recommended that election administrators also consult the Indiana Code and your town attorney for current filing deadlines, candidate qualifications, and voting procedures.

The Indiana Association of Cities and Towns recognizes and thanks the Indiana State Election Commission. Co-Executive Directors Spencer Valentine and Brad King, and Co-General Counsels Kristi Robertson and Dale Simmons provide invaluable technical review to the association. We appreciate their hard work in assisting municipal officials.

This guidebook provides basic information about the administration of municipal elections and will not address every situation that a local official may encounter while conducting the election. You should not rely solely on this guidebook for legal information without referring to the Indiana Code and studying the applicable state statutes. If you have questions, please contact your town attorney, your county election board, the Indiana Election Division at (317) 232-3939 or the Indiana Association of Cities and Towns at (317) 237-6200.

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## MUNICIPAL PRIMARY ELECTIONS

In towns with a population of less than 3,500 the town will nominate Democratic and Republican candidates for town office at town conventions if there is a contest within the party for the nomination. However, a town may adopt an ordinance to provide for the nomination of Democratic and Republican candidates in a primary election. The town council must adopt this ordinance not later than January 1 of the year in which the municipal election is held (2003). The town clerk-treasurer must file a copy of the ordinance with the office of the circuit court clerk of the county that contains the greatest percentage of the town's population. (IC 3-8-5-2)

If the town council adopts a municipal primary ordinance, then the county election board conducts the primary election for the town according to the statutes governing primary elections, including the times for filing a declaration of candidacy under IC 3-8-2-4.

If the town adopts an ordinance providing for a municipal primary, the town may not change the method of nominating candidates for town office more than one time in any twelve year period. (IC 3-8-5-2(e)) Therefore, if the town adopts a municipal primary ordinance on December 31, 2002, this ordinance must remain in effect until December 31, 2014.

Small towns located within Marion County will also nominate major party candidates in a primary election.

## TERMS OF OFFICE AND TOWN COUNCIL DISTRICTS

To run for a town office, a person must meet certain qualifications before he or she can become a candidate. Qualifications vary depending on the office. For all towns under 3,500 in population there are two different elected positions: town council member and town clerk-treasurer. Towns that have created a town court by ordinance will also elect a town judge. (IC 33-10.1-1-3)

While the town clerk-treasurer (and town judge, if applicable) serve the entire town, towns have several options available when dividing the town into council districts.

Upon incorporation the town was divided into at least three (3), but not more than seven (7) council districts. Towns can increase or decrease the size of its council by following the procedures outlined in state law. (IC 36-5-2-4.2) These steps include a resolution, a ballot referendum, and a local ordinance.

### **Candidate Qualifications**

**All candidates must be a registered voter in the district that they seek to represent.** All candidates for town council and town clerk-treasurer must be registered to vote no later than the deadline for filing a declaration of candidacy or petition of nomination. (IC 3-8-1-1)

As a general rule, town council members and town clerk-treasurers serve four (4) year terms that begin on January 1 following their election. Special terms apply to newly incorporated towns, or towns which adopt an ordinance to change the schedule for electing town officials. (See "Staggered Terms" on Page 5.)

Candidates for town council must:

1. reside within the town; and
2. reside in the district they seek to represent, if applicable. (IC 36-5-2-6)

Town council members forfeit office if they cease to be a resident of the town or district from which they were elected, whichever is applicable. Council members can then be removed from office by a court or by the town council itself using special procedures under state law. (IC 34-17-1)

Candidates for town clerk-treasurer must:

1. reside within the town; and
2. forfeit office if they cease to be a resident of the town. (IC 36-5-6-3)

## **Town Council Districts**

Often called "wards", Indiana law provides several options for dividing a town into council districts (IC 36-5-2-5):

Option 1 - Candidates run from the district in which they reside. Voter will vote for only one candidate.

Option 2 - Candidates run from districts and at-large. Voters will vote on all at-large candidates and one candidate from the district in which they reside.

Option 3 - Candidates run from the district in which they reside, but voters will vote for candidates in all races. This is the option used by most Indiana towns.

Option 4 - Candidates run from districts and at-large. Voters will vote for all district and all at-large races.

Option 5 - Candidates run at-large. Districts are abolished by local ordinance. Voters will vote for all races. Candidates may reside anywhere in town. Such an ordinance may not be adopted or repealed during a year in which a municipal election is held (1999, 2003). (IC 36-5-2-4.1(h))

Towns may alter council districts at any time except during the twelve months before a municipal election is held (November 2002 through November 2003). The ordinance establishing or changing districts must be filed with the circuit court clerk.

In addition, the "holdover" provision of the Constitution of the State of Indiana provides that a person holds office until a successor has been elected and qualified. In other words, if there are no candidates for a given office (or not enough candidates for all the town council seats) an election is not held for that position, and the current office holder serves another four year term. (Article 15, Section 3)

If fewer at-large town council members are elected than there are at-large seats to be filled, the town council determines which incumbent at-large members will "holdover" for another four year term. This decision must be made by the town council no later than December 31 following the election. (IC 3-13-9-5.6)

## **Staggered Terms**

In addition to choosing how town council members are to be elected, towns may also decide to stagger the terms of the council and other town offices. The purpose of staggering terms is to prevent the turnover of the entire town council after an election.

To stagger terms, the town council must pass an ordinance in the year preceding a municipal election. The deadline for staggering terms for the 2003 municipal elections will be midnight, December 31, 2002. The ordinance must specify which seats will be staggered. Initially, holders of these seats will serve a three year term. Upon completion of the initial three year term, successive council members will be elected to four year terms. No more than 50% of the town council seats may be elected to staggered terms. (IC 3-10-7-2.5)

Towns may also stagger the terms of the town clerk-treasurer and town judge. This is accomplished by passing an ordinance that requires these officers serve a one year term following their election. These offices will then be up for re-election at the first general election following the municipal election. Successors will then serve the usual four year term. (IC 3-10-7-2.5)

Finally, a town may pass an ordinance specifying that all town elections shall be conducted during general election years. The ordinance must state that offices elected at the next municipal election shall serve a three year term. Successors will then be elected at the next general election and serve a normal four year term. (IC 3-10-7-2.7) Such an ordinance must be passed in the year preceding the municipal election and may not be repealed earlier than twelve years after its adoption.

## **Precincts**

Precincts are geographical areas established for the purpose of voting. Unlike town council districts, which are established by the town council, the county executive establishes precinct boundary lines. The town cannot alter precinct boundary lines for the purpose of conducting the municipal elections. Precinct lines can only be changed by the county commissioners and the Indiana Election Commission. (IC 3-11-1.5-2; IC 3-11-1.5-24)

As a rule, each precinct whether located wholly or partially within the town must have its own voting place. Towns with multiple precincts may find this requirement particularly troublesome for a couple of reasons. First, each voting place must be staffed with a team of precinct officers that includes an inspector, judges, poll clerks, and sheriffs. (IC 3-6-6-1; IC 3-6-6-2; IC 3-6-6-5) Finding enough qualified individuals who are willing to serve can be difficult.

Secondly, establishing and staffing a polling place can be expensive. Expenses can include room rental, wages, meals, and election training. Finally, state and federal law requires that all polling places be accessible to disabled persons.

Indiana law provides some relief from these problems. First, school buildings, fire stations, and all other public buildings shall be made available without charge to a county for holding an election. This also applies to town elections. (IC 3-10-7-21; 3-11-8-4)

Second, if the precinct contains fewer than 250 “active” voters the polling place may be combined with an adjoining precinct. (IC 3-11-8-4.3) Ask the county voter registration office for information about the number of “active” (versus “inactive”) voters in the precinct.

Third, election law provides that towns with a population under 3,500 may use one precinct board to administer the election in adjoining precincts. (IC 3-10-7-22) This eliminates the need for multiple polling places and the precinct workers to staff each. Therefore, a town that consists of multiple precincts could use one precinct board at a combined polling place allowing voters to vote in a centralized location. This helps to reduce the costs associated with conducting an election.

Fourth, a town election board may omit certain precinct officers (poll clerks and/or sheriffs) by adopting a resolution. This resolution must specify which offices will perform the duties of the clerks or sheriffs. (IC 3-6-6-38) (See the “Town Election Board” section on Precinct Officers in this *Guidebook*.)

## GETTING ON THE BALLOT

It should be remembered that before an election can be held in a town, there must be candidates. While this statement may sound simplistic, statutory and constitutional provisions come into play when no candidates or only the incumbent declares for a local office. A town is not required to hold an election when there is only one candidate nominated for all offices up for election and in some cases may not be *allowed* to conduct an uncontested election under state law. Therefore, a town must wait until the expiration of all filing deadlines, including town conventions, petitions of nomination, and write-in candidacies, before determining that an election will not be held. With one exception, if there is a contested race for any office, all names must appear on the ballot. The one exception being that if there is a contest for an office that is voted on by only the residents of a particular district, then the town election board may, by unanimous vote, adopt a resolution that only the names of candidates in that district shall be printed on the ballot. (IC 3-10-7-6)

When there are no nominees for an office, the person currently serving in the position remains in office automatically for another four year term. The Constitution of the State of Indiana specifies that an officeholder remains in office until a qualified successor is elected. (Article 15, Section 3)

In general, towns under 3,500 in population primary elections are not held, unless the town has adopted an ordinance to nominate candidates at the primary under IC 3-8-5-2. (See the "Municipal Primary Election" section in this *Guidebook*).

For towns that have not adopted an ordinance to nominate candidates at the primary election, access to the municipal election ballot can be gained through one of three ways.

First, a candidate may get on the ballot by filing as a party candidate, and if there is competition for the office within the *same* party, being nominated through a process called the town convention. (IC 3-8-5) This is similar to a primary election. Candidates of the Democratic, Libertarian, and Republican Party are nominated in this fashion.

Second, by a petition of nomination. (IC 3-8-6) Candidates running as independent or candidates from other parties use this method.

Finally, as a write-in candidate. (IC 3-8-2-4) Individuals running as a write-in candidate should remember that their names will not appear on the ballot, but votes cast for them by voters writing in their names will be counted.

### **Town Conventions**

Town conventions are the method used by the Democratic, Libertarian, and Republican Parties to nominate candidates for local office in towns under 3,500 in population when there is competition within that party.

A town convention is organized and conducted by implementing the following steps.

Step 1: **Declarations of candidacy.** A person who desires to be nominated for a town office as a Democratic, Libertarian, or Republican candidate must file a declaration of candidacy (see appendix form CAN-16) with the circuit court clerk **between January 1, 2003 and noon, August 1, 2003.** Following the filing deadline, the circuit court clerk must certify to the town clerk-treasurer and release to the public a list of all candidates for all offices (IC 3-8-5-10.5; see appendix form CAN-17). If there is no competition within a political party for the nomination to *any* office, then the candidate of that party who filed by the deadline will automatically appear on the town election ballot without a party convention being held.

Step 2: **Organize the town committee.** The appropriate county chairman must appoint two registered voters of the town to serve as chairman and secretary of the town committee. The chairman of the town committee may not be an officeholder of the town. (IC 3-8-5-3)

Step 3: **Calling the town convention.** The town chairman is responsible for organizing, calling, and conducting the convention. The convention should be held in the town. However, if no suitable location exists in the town, the convention can be held elsewhere within the county. **The convention must be held no later than August 20, 2003.** The town chairman must file notice of the call with the circuit court clerk. Notice must also be posted for at least three days in three prominent places including the town clerk-treasurer's office stating the date, time and place of the convention. (see appendix form CAN-15) A convention must be held if more than one candidate of the same political party files a declaration of candidacy for the same town office. (IC 3-8-5-10)

Step 4: **Conducting the town convention.** The town committee chairman and secretary serve different roles at the convention. If either is unable or unwilling to participate in the convention, the chairman or secretary is selected from the eligible voters attending the convention. (IC 3-8-5-12)

The chairman must then determine who is eligible to participate and vote at the convention. Registered voters affiliated with that party who reside in the town may attend and vote at a town party convention. However, a person may not attend and vote at more than one town convention. (IC 3-8-5-11) A person who votes at more than one town convention commits a Class A misdemeanor and is subject to prosecution. (IC 3-14-2-30) If a person objects to a determination of the chairman regarding their eligibility to vote at the convention, the matter is voted upon by all those whose eligibility is not being questioned. (IC 3-8-5-12) Proxy or absentee voting is not allowed at a town convention.

The chairman must also propose convention rules for adoption by the delegates. At the very least, the rules must provide (IC 3-8-5-12):

1. the voting method to be used;
2. a method for resolving tie votes;
3. a method for narrowing the list of candidates if no candidate receives a majority of votes cast; and
4. the rights of nonvoting observers and media attending the convention.

To be nominated, candidates must receive a majority of votes cast at the convention. Nothing in the law permits candidates to be nominated from the floor of a town convention.



Step 5: **Certifying the nominees.** Following the convention the chairman and secretary must complete in writing a certificate of nomination (see appendix form CAN-18) stating:

1. the name each nominee;
2. the address of each nominee;
3. the office for which each person was nominated;
4. that each nominee is legally qualified to hold office; and
5. the emblem by which each party will be identified on the ballot.

The certificate must be notarized and signed by the chairman and secretary of the convention. It is then filed with the circuit court clerk no later than noon, August 28, 2003. The circuit court clerk must then file a copy of the certificate of nomination with the town clerk-treasurer no later than noon, September 4, 2003. (IC 3-8-5-13)

Step 6: **Withdrawal of a town convention nominee.** Candidates nominated at a town convention may withdraw their nomination by filing a notice to withdraw with the town election board or circuit court clerk. (IC 3-8-5-14.5)

A notice to withdraw must:

1. name the candidate;
2. name the office the candidate is seeking;
3. be signed by the candidate and notarized; and
4. be filed no later than noon, three days following the adjournment of the convention.

## **Petitions of Nomination**

A second way of getting on the ballot is through the circulation of a petition of nomination signed by registered voters of the town. This method is reserved for those candidates who choose not to affiliate with the Democratic, Libertarian, or Republican parties. Many towns conduct their elections in this manner to avoid partisan politics. However, any qualified citizen has the right to file as a political party candidate even if it has been the town's tradition to have only "independent" or "third party" candidates.

Candidates seeking nomination through a petition must acquire the signatures of registered voters who are qualified to vote for the candidate. In other words, petitioners must be residents of the town or district from which the candidate is seeking election. (IC 3-8-6-2)

Petitions must be signed by a number of voters that is equal to two percent (2%) of the total vote cast in the last election for secretary of state in the election district they seek to represent. Fractions of whole numbers do not count. (IC 3-8-6-3)

For example, if the town of Hoosierville is composed of two precincts and the break down of votes cast for secretary of state in those precincts was as follows:

Candidates	Precinct 1	Precinct 2	Totals
Todd Rokita	97	81	178

John Fernandez	<b>54</b>	<b>85</b>	<b>139</b>
Rebecca Sink-Burris	<b>17</b>	<b>21</b>	<b>38</b>

The total for all candidates was 355 votes. Multiplied by 2% this figure equals 7.10. Therefore, a petition of nomination will require 7 signatures for an at-large seat on the Hoosierville town council.

Often, a small town will be included entirely within a precinct that consists of a township. In this, and some other cases, it is impossible to calculate the 2% figure exactly. If a petitioner obtains enough signatures to reach the 2% figure for the township, then the petitioner is certain to have obtained enough signatures to attain the lower 2% town figure.

A petition of nomination must include:

1. the candidate's name and address;
2. the office they are seeking; and
3. a statement that those signing the petition are registered, qualified, and desire to vote for the candidate. (see appendix form CAN-44)

A candidate may also include a symbol or brief name of the political party the candidate represents. Once a petition is certified, this name or symbol will appear on the ballot. (IC 3-8-6-5)

The signature pages of a petition must include:

1. the person's signature;
2. their name legibly printed; and
3. their residence address. (IC 3-8-6-6)

At the time of certification, a person's signature might not be counted if the county voter registration office cannot determine if the petitioner is a registered voter of the town. This may occur if there is no printed name or address or the official cannot read the name or address. Therefore, it is advisable that a person seeking nomination through the petition process acquire more than the minimum number of signatures.

A petition of nomination can be filed with the county voter registration office between **January 1, 2003 and noon, June 30, 2003**. All petitions must be accompanied by the candidate's written consent to become a candidate. (IC 3-8-6-10; see appendix form CAN-45)

After verification of the petition, the county voter registration office must certify to the town election board and clerk-treasurer the number of valid signatures on each petition of nomination. Petitions must be certified by noon, July 15, 2003. (IC 3-8-6-10)

A petition of nomination can be withdrawn, but only by the candidate and only if withdrawn by noon, July 15, 2003. (IC 3-8-6-13.5; see appendix form CAN-46)

## **Write-In Candidates**

Another manner of candidate nomination as a write-in candidate. This method allows a person to run for office without filing as a major party candidate, being nominated at a town convention, or by a petition of nomination.

To be eligible, a candidate must file a declaration of intent to be a write-in candidate with the circuit court clerk. (IC 3-8-2-2.5) Once filed, a write-in candidate is an active candidate and must abide by the same restrictions and parameters as any other candidate. However, unlike all other candidates, the write-in candidate's name will not appear on the ballot.

Candidates can file a declaration of intent to be a write-in candidate for the 2003 municipal election between **August 6, 2003 and noon, September 15, 2003**. (IC 3-8-2-4)

A write-in candidate may withdraw their declaration of intent no later than noon, September 15, 2003. (IC 3-8-2-2.7) (see appendix form CAN-46)

# **THE TOWN ELECTION BOARD**

The town election board is the body responsible for administering the municipal election. The town election board has the same powers and duties in conducting a municipal election as the county election board has when conducting a general election. (IC 3-10-7-21)

The town election board should not be confused with the town political party committees established to administer the town conventions. It should also not be confused with the town council. A town election board will not be created if a town enters into an election administration agreement with a county election board.

**Towns with a population of less than 500 must adopt a resolution providing that the town will administer the municipal election. This resolution must be adopted between January 1, 2003 and April 1, 2003. The resolution must be filed with the circuit court clerk before May 1, 2003. If a town does not adopt such a resolution, the county will administer the municipal election. Resolutions expire December 31, 2003. (IC 3-10-7-5.5)**

## **Membership**

The town election board consists of the chairman of each town committee and the clerk-treasurer. (IC 3-10-7-7) The town election board must select one of its appointed members to serve as chairman. The clerk-treasurer serves as secretary to the town election board. (IC 3-10-7-11)

## **Organization and Meetings**

The chairman calls meetings of the town election board when necessary to perform its duties. If the chairman refuses or is unable to call meetings, the two remaining town election board members may meet and conduct business. (IC 3-10-7-12) Minutes must be kept of all meetings, including a record of each member's vote on all questions that come before the board. (IC 3-10-7-13) The meetings and minutes are subject to the State Open Door and Public Records laws.

## **Compensation and Election Expenses**

Appointed members may be compensated for serving on the town election board. The town council determines the compensation. (IC 3-10-7-20) However, state law does not require that appointed members receive pay. There is no provision for additional compensation for the clerk-treasurer. In the case of precinct election officials, which are described later in this chapter, the town council cannot exceed the level of compensation established for precinct election officials in general county elections. The compensation can be lower than the limit or can be nothing if that is more practical.

The town election board may appoint and compensate deputy election commissioners and any other employees it may need to execute the election. These positions are described later in this chapter.

Materials, supplies and equipment are purchased in accordance with the town budget as set by the town council. All purchases must conform to state purchasing laws, and payments are made only upon filing a claim with the clerk-treasurer and verified and approved by the town election board. (IC 3-10-7-17) However, certain expenses are paid to the county election board, such as compiling registration lists, moving the voting equipment provided by the county to and from the polls, or damage to voting equipment. (IC 3-10-7-31)

## **Precinct Election Officials**

The town election board is also responsible for appointing precinct election officials for each precinct or voting place. The board must appoint a precinct election board consisting of one inspector and two judges of opposite political parties. Each must be residents of the town. (IC 3-10-7-22) The inspector is appointed by the town election board member representing the political party whose candidate received the most votes in that county for the office of secretary of state in the last general election. (IC 3-10-7-26) The county clerk can provide this information.

The town election board will also appoint two poll clerks and two election sheriffs of opposite political parties. (IC 3-10-7-24) However, the town election board may adopt a resolution (by unanimous vote of the entire board) to eliminate poll clerks and/or sheriffs in specified precincts or in all the precincts of the town. The board must designate which precinct election officials must perform the duties of the omitted poll clerks or sheriffs. (IC 3-6-6-38) Appointees filling these positions must be registered voters. Two assistant poll clerks may also be appointed if the town election board deems such positions necessary.

In addition to these precinct officials, each political party that has a candidate on the ballot may appoint one challenger and one pollbook holder for each precinct in the town. However, the appointing political party must pay any compensation to these precinct workers. (IC 3-10-7-29)

All precinct election officials have the same powers and duties, and are subject to the same qualifications and penalties as their counterparts in a general county election. (IC 3-10-7-23)

## **Election Officials Other Than Precinct Officials**

The town election board has the authority to hire clerks, custodians, and other employees to assist in administering the election. While nothing in the law requires that towns hire additional employees, the town election board fixes the employees salaries, duties, and rank. (IC 3-10-7-16)

The town election board can also appoint deputy election commissioners. Deputy election commissioners must be residents of the town and serve at the pleasure of the town election board. If the town election board chooses to appoint deputy election commissioners, the chairmen of the major political parties each designate half of the commissioners. (IC 3-10-7-15)

Whenever called upon by the town election board, the town marshal must assist the board in enforcing all election laws and the discharge of their duties. (IC 3-10-7-19)

## **Ballot Type and Voting Method**

The town election board shall determine what kind of ballot system will be used – paper ballots, machine, ballot card (punch card or optical scan), electronic, or some combination. Whatever method is used, there are statutory requirements that must be followed. The general requirements for each are:

1. Paper (IC 3-11-2; IC 3-11-11);
2. Machine (IC 3-11-12);
3. Ballot Card (IC 3-11-13); and
4. Electronic (IC 3-11-14).

The town election board may request the use of voting equipment from the county. The county must provide the use of the voting equipment if it is available. However, the town must pay moving expenses and for any loss or damage to the equipment. (IC 3-10-7-31) If a voting system other than paper ballots are used, the system must have been previously approved for use in Indiana by the Indiana Election Commission.

# **VOTER REGISTRATION**

This chapter describes some of the key dates and unique features of the voter registration process.

## **Regular Registration Procedures**

Indiana law provides that a voter only needs to register to vote once. In most cases, the only time a person would need to re-register is if they have moved from the precinct where they most recently voted. A person who has been disenfranchised following conviction of a crime must re-register after release from imprisonment.

For the municipal election, registration is open between December 2, 2002 and April 7, 2003. Registration closes prior to the primary election, but reopens May 20, 2003 and continues until October 6, 2003. (IC 3-7-13-10) These same time periods apply even in towns with a population of less than 3,500 that do not have primaries.

Because a person must be registered before they can vote, the town election board will need accurate and current voter registration lists from the county voter registration office. These lists of registered voters must be prepared and distributed no later than ten days before the election by the county clerk's office. Lists must be prepared for each precinct in the town. (IC 3-7-29-1)

Because of the confusion that may exist regarding precincts and town boundaries, town election boards may want to obtain, review and organize these lists as early as possible. Accurate and easily referenced voter registration lists should minimize some of the potential problems. A key element to reducing these problems is cooperation between the town clerk-treasurer and the county voter registration office. Working together and sharing information will help both to discharge their statutory duties more easily and with less potential for error. The town will likely be assessed the cost of preparing these lists.

## **National Voter Registration Act**

Passed by Congress in 1993 and implemented by Indiana in 1995, the NVRA or "motor voter" law creates several new sites for registering to vote. A person can now register to vote at the license branch (IC 3-7-14), public assistance agencies (IC 3-7-15), agencies serving the disabled (IC 3-7-16), armed forces recruitment offices (IC 3-7-17), and the clerk-treasurer's office. (IC 3-7-20)

A sign must be posted in the clerk-treasurer's office announcing that voter registration services are available. (IC 3-7-20-2) Whenever a person is present in the office and applies for a permit or new utility service, they must be offered the opportunity to register to vote. (IC 3-7-20-5) If an office other than the clerk-treasurer's takes permit or new utility applications, the clerk-treasurer's office serves as a mail-in distribution site only. (IC 3-7-20-6)

# **ADMINISTRATIVE PROCEDURES**

For municipal elections to come off smoothly, it is important for several groups to work together. One of the first things a town election board should do is contact the circuit court clerk, various political party chairmen, and county election board. Each of these boards or individuals has a role to play in the election. Meeting with each as early as possible will minimize problems down the road.

The town election board is responsible for printing ballots, tallying votes, keeping accurate records, and coordinating absentee voting. Party chairmen are responsible for nominating assorted election officials and filling ballot vacancies. The county election board and circuit court clerk are responsible for certifications, providing election materials, and hearing appeals of decisions made by the town election board.

## **Filling Ballot Vacancies**

If a vacancy occurs for any reason before the 30<sup>th</sup> day before the municipal election, and the candidate had been nominated through a town convention of the Democratic or Republican party, the precinct committeemen who are eligible to vote for the office will hold a caucus to select a replacement, or the county chairman or the county executive committee (chairman, vice chairman, secretary and treasurer) may fill the ballot vacancy if authorized to do so by the political party's county committee. (IC 3-13-1-6)

Libertarian Party candidates vacancies are filled by the state committee of that party. (IC 3-13-1-20; IC 3-13-1-15)

Late ballot vacancies are those that occur after the thirty-first day before the election. A late ballot vacancy occurs when (IC 3-13-2-1):

1. a candidate nominated by one of the major political parties dies;
2. a candidate moves from the election district and must withdraw;
3. a candidate is disqualified; or
4. a candidate is ordered to withdraw by a court.

County chairman fill late ballot vacancies. (IC 3-13-2-5)

In those instances where the candidate was nominated through petition of nomination and was a member of a local party, the presiding officer of that party may appoint someone to fill the vacancy. (IC 3-13-1-18) Vacancies of third party candidates must be filled by August 28, 2003. (IC 3-8-5-13) After this date, there is no provision in the law to fill vacancies that occur within local parties for any reason. If an independent candidate filed the petition of nomination, another candidate may not be substituted if there is a vacancy. (IC 3-8-6-17)



## **Record Keeping**

Record keeping requirements for the town election board are not extensive but are very important. All town officials, especially the clerk-treasurer, should be aware that state and federal law requires that election materials be kept for twenty-two months after the election. (IC 3-10-1-31) This includes voted ballots, declarations of candidacy, certificates of nomination, and petitions of nomination. (IC 3-8-5-15) Poll lists and the oaths of precinct election officials must also be preserved. (IC 3-11-8-30) Except for one ballot that should be retained for the town's records, unused ballots can be destroyed eleven days after the election. (IC 3-11-3-31)

The potential for recounts, contests, or audits always exist. The appropriate authorities will need to examine these records to resolve election disputes. Remember that some of these documents are originally filed with the county clerk, who is required by statute to file copies with the town clerk-treasurer.

If the town is going to administer its own election, the clerk-treasurer serves as secretary to the town election board. In this capacity, minutes, meeting notices, and agendas of each meeting must be compiled and retained according to the same requirements for town board meetings under the Open Door Law. (IC 5-14-1.5)

## **Appeal Procedure**

Any registered voter in the town may appeal to the county election board any decision of the clerk-treasurer or the town election board. The appeal must be in writing, describe the grounds for the appeal, and include any relevant documents. The county election board must render a decision within ten days of receiving the appeal. (IC 3-10-7-35)

## **Agreement with the County**

Towns with a population of less than 3,500 are permitted by law to enter into a contractual agreement to have the county election board administer the municipal election. This agreement must be made no later than July 1 preceding the municipal election. (IC 3-10-7-4) The statute does not dictate the contents of the agreement, only that both parties agree to its terms.

The agreement permitted under this statute should be limited to one election. Subsequent elections would be covered by a separate agreement. The amount the county is reimbursed for its expenses should be specified in the agreement. Entering into an agreement with the county election board does not change how candidates are nominated for town elections.

## **Absentee Voting**

Voters who will not be in town on election day still have the opportunity to cast a ballot. Absentee voting is a two step process. A potential absentee voter must first apply for an absentee ballot. The voted ballot is then returned to the town election board and cast on election day at the precinct.

A voter voting an absentee ballot in the town clerk-treasurer's office may vote absentee for any reason. (IC 3-11-4-1)

However, a voter voting an absentee ballot by mail is eligible to cast an absentee ballot only if they expect to be:

1. absent from the county on election day;
2. absent from the voter's precinct of residence on election day because of duties as an election official;
3. confined to their home, a health care facility, or the hospital because of injury or illness;
4. a disabled voter;
5. caring for a voter confined to their place of residence;
6. an elderly voter (a voter over the age of 65); or
7. scheduled to work the entire twelve hours that the polls are open. (IC 3-11-4-18)

Absentee ballot applications will be available in the office of the circuit court clerk beginning June 16, 2003. (IC 3-11-4-4) Applications can be completed in person or returned by FAX or mail. Absentee ballot applications must be returned to the town election board no earlier than August 6, 2003 or later than:

1. noon on the day before the election if the voter completes the application in the office of the town clerk-treasurer;
2. noon the day before the election if the application is mailed, faxed, or hand-delivered from a confined voter, a voter caring for a confined person, or when ballots are delivered by an absentee voter board;
3. midnight October 27, 2003 if the application is mailed or faxed. (IC 3-11-4-3)

Other absentee ballot application deadlines apply in small towns within Marion County. Contact the county circuit court clerk for more information.

The town election board should contact the county clerk's office and obtain a quantity of applications as soon as the board is formed. Absentee ballot applications are also available at the Election Division's website: [www.in.gov/sos/elections/forms](http://www.in.gov/sos/elections/forms).

Mailed absentee ballots must be sent, postage fully prepaid, on the day the application was received or within five days after receipt of the ballots. (IC 3-11-4-18) Ballots must also include the official seal and signature of the town clerk-treasurer and the initials of both members of the absentee voter board or the appointed members of the town election board. (IC 3-11-4-19)

A person voting by absentee ballot must:

1. mark the ballot without any other person observing how they voted;

2. fold each ballot separately;
3. fold each ballot so that no other person can determine how it was voted;
4. seal each ballot in the envelope provided;
5. sign the voters name to the envelope; and
6. mail the ballot to the town election board or deliver it in person. (IC 3-11-10-1)

In addition to delivery in person or by mail, a voter's attorney in fact or a member of the voter's household may return a voter's absentee ballot, but it is a criminal offence for other individuals to do so. (IC 3-14-2-16)

A person may also cast their absentee ballot in the office of the town clerk-treasurer. Voting in person can be done between October 6, 2003 and noon the day before the municipal election. Voting by absentee ballot must also be held on the two Saturdays preceding the election (October 25 and November 1, 2003) for seven hours on each day. In counties with a population of less than 20,000, the seven hour requirement can be reduced to four hours. (IC 3-11-10-26)

However, abiding by the letter of the law in many small towns is difficult if not impossible. Many small towns cannot afford to staff an absentee voter board for thirty days prior to election day. In addition, the clerk-treasurer's office may not maintain typical business hours of operation. As a result, state law permits small towns to establish specific times for casting an absentee ballot in person. Examples range from "only on Wednesdays in the office of the clerk-treasurer" or "the two Saturdays before election day at the public library." The town election board by unanimous vote, may establish a policy after making certain findings for the record, and then publicize on what day and time voting absentee ballots in person will be held. (IC 3-11-10-26.5)

Towns may appoint as many absentee voter boards as will be necessary for conducting absentee voting. Absentee voter boards consist of two people, one from each of the two major political parties. A person is not eligible to serve on an absentee voter board if the person is:

1. unable to read or write the English language;
2. has any property bet or wagered on the outcome of the election;
3. is a candidate to be voted upon at the election; or
4. is related to a candidate, unless the candidate is unopposed. (IC 3-11-10-36)

Ten days before to the beginning of absentee voting, the town election board must notify the respective county chairmen of the major political parties of the number of absentee voter boards that will be appointed. Once the party chairmen are notified, they must make written recommendations within three days of the start of absentee voting. The town election board must appoint those individuals recommended for appointment. If the county chairmen fail to make recommendations within the statutory time frame, the town election board may appoint any voters who reside in the town. (IC 3-11-10-37)

Finally, an absentee voter board is entitled to compensation. The town election board may establish a per diem and reimbursement for mileage. (IC 3-11-10-38) However, compensation is not mandatory.

# **ELECTION DAY ACTIVITIES**

The town election board must prepare for and perform a number of duties on election day. Leading up to election day the board must decide which method of voting will be used - should the town rent voting machines from the county or print paper ballots. The town election board will also be responsible for tabulating ballots election night and certifying the results.

## **The Polling Place**

The polls are open from **6:00 a.m. to 6:00 p.m.** on election day. (IC 3-11-8-8) Election officials should follow prevailing local time in the county.

The inspector must announce the opening and closing of the polls to people outside the polling place in a loud tone of voice. (IC 3-11-8-9) Any voters that have passed the challengers, signed the poll list, are in the act of voting, or are in line at closing time shall be permitted to vote. The inspector will line up all waiting voters in the chute and the poll clerks will record their names. (IC 3-11-8-11)

Only voters, the precinct election officials, authorized watchers from the political parties or the media, and minor children accompanying voters are permitted in the voting room on election day. (IC 3-11-8-15)

## **Paper Ballots**

Although other voting methods are used in Indiana, many smaller towns use paper ballots. If a town chooses to use a voting machine (IC 3-11-12), ballot card voting system (IC 3-11-13), or computer voting system (IC 3-11-14), election officials need to refer to the specific statutes that cover the procedures and requirements for those alternatives.

Ballots must be printed on the same size, quality, and color of paper, and be thick enough so that the printing cannot be read from the back of the ballot. (IC 3-11-2-3) Ballots must be printed on blue paper. (IC 3-11-2-4) If a vote is allowed by state law on a local public question, a separate ballot for the question must be printed on green paper.

Candidates are listed on the ballot in columns or rows under their party name and emblem. (IC 3-11-2-5) Candidates of the political party that received the most votes for secretary of state in the last election in the county are listed first, candidates of the party that received the second highest number of votes are listed next, and so on. Third party and independent candidates are listed in the order in which they filed their petition of nomination. Finally, a column or row for write-in voting must be placed after all party and independent candidates. (IC 3-11-2-6)

At the extreme top of the ballot, the statement, "It is a crime to falsify this ballot or to violate Indiana election laws" must be printed. (IC 3-11-2-7) Voting instructions follow this legal disclaimer. (IC 3-11-2-8) Instructions must include how to vote a straight party ticket and how to cast a write-in vote, even if no declared write-in candidates have filed. (IC 3-11-2-10) The names of candidates must be placed three-fourths of an inch apart from center to center of the name. A square, three-eighths of an inch on each side should be placed immediately to the left of each candidate's name. (IC 3-11-2-10) Party emblems must be enclosed in a circle that is at least three-fourths of an inch in diameter. (IC 3-11-2-9)

## **Tabulating Results**

State law specifies procedures for counting ballots when voting by paper ballot. The inspector and judge from the opposite party view the ballots as they are read and counted. (IC 3-12-2-2) Either official may protest any ballot that is not properly endorsed, is mutilated or bears distinguishing marks. (IC 3-12-2-3) **However, the voter's intent is the primary factor in determining the validity of a ballot. If the voter's intent can be determined on the ballot or any part of the ballot, it should be counted.** (IC 3-12-1-1)

A ballot that:

1. has a mark in or touching the circle containing a political party device is counted as a straight party vote (IC 3-12-1-8);
2. has a mark in or touching the square next to a candidate's name is counted as a vote for that candidate. However, if the mark does not touch the square the vote should not be counted (IC 3-12-1-9);
3. has a voter's name, initials, a number, or any other symbol which would enable a person to determine who cast the ballot should not be counted (IC 3-12-1-10);
4. contains a straight party vote and a vote for individual candidates of **the same party**, only the straight party vote **should be counted** (IC 3-12-1-7); or
5. contains a straight party vote and a vote for individual candidates of **another party**, the straight party vote **should not be counted** and only those votes cast for individual candidates should be counted. (IC 3-12-1-7)

Disputed ballots must be endorsed by each of the poll clerks and the word(s) "counted" or "not counted" written on the back. (IC 3-12-2-4)

At the close of the count, the inspector will seal all ballots, tally sheets, poll lists, and other election documents in a paper envelope or bag. (IC 3-12-2-8) The inspector and judge of the opposite political party will then deliver it to the town clerk-treasurer. (IC 3-12-2-9)

## **Finalizing Election Results**

Once the inspector and judge have delivered the bag or envelope to the town clerk-treasurer, the town election board is charged with examining and certifying the election results of each precinct. For towns with more than one precinct, the town election board is responsible for combining the precinct results and reporting the final vote count. The town election board must follow the same procedures of canvassing returns as the county election board.

Upon completion of the canvass, the town election board must prepare certificates of election designating:

1. the name of each candidate;
2. the name of each office;
3. the number of votes each candidate received;
4. the total number of votes cast; and
5. declare the candidate receiving the highest number of votes for each office to be the winner. (IC 3-10-7-34)

The town election board shall present the certificates to the town clerk-treasurer. If requested, the clerk-treasurer must issue a certificate of election to the candidate. (IC 3-10-7-34)

However, a certificate of election may not be issued until noon, ten days after the election, when the period for filing a recount or contest has expired. (IC 3-12-5-16)

## **Recounts and Contests**

A candidate (or a county party chairman) may file a lawsuit to have the votes cast in a town election “re-counted,” or to have the election “contested,” with the court ordering a special election to be conducted. The state laws concerning recounts and contests are found at Indiana Code 3-12-6 and 3-12-8. The candidate or chairman is responsible for understanding and complying with these complex statutes, and may wish to retain a private attorney for this purpose. The town election board may wish to discuss the question of legal representation with the town attorney early in the election year to see if the town attorney will be available to act for the election board in any litigation.

# APPENDIX A: AGREEMENT TO PROVIDE ELECTION ADMINISTRATION SERVICES

(SAMPLE)

WHEREAS, IC 3-6-5-14 vests with the County Election Board the power and responsibility to conduct all elections and administer election laws with the county except as provided in IC 3-8-5 and IC 3-10-7;

WHEREAS, IC 3-8-5 governs the nomination of candidates for town office in certain towns with a population of less than three thousand five hundred (3,500);

WHEREAS, IC 3-10-7-4 allows the town council in towns with a population less than three thousand five hundred (3,500) to enter into a written agreement with the County Election Board to conduct the election of town officers;

WHEREAS, the Town of \_\_\_\_\_ desires that the \_\_\_\_\_ County Election Board conduct this election;

Now, therefore, it is agreed as follows:

The \_\_\_\_\_ County Election Board shall conduct the Town of \_\_\_\_\_ election for the year 20\_\_\_\_. The Town of \_\_\_\_\_ shall pay to the County of \_\_\_\_\_ for election and registration services \$\_\_\_\_\_ dollars. This payment is intended to cover all election and registration services provided by the \_\_\_\_\_ County Election Board to the Town of \_\_\_\_\_. Payment shall be made to the \_\_\_\_\_ County Auditor on or before \_\_\_\_\_. This agreement covers only the election specified above.

Dated this \_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_.

Town Council of the

Town of \_\_\_\_\_ County Election Board

_____	_____
_____	_____
_____	_____
_____	ATTEST: Town Clerk-Treasurer
_____	_____

# **INDIANA DEMOCRATIC PARTY TOWN CONVENTION RULES OF PROCEDURE**

Indiana Code 3-8-5-12 requires town conventions to establish rules of procedure necessary for the convention to conduct its business. The Indiana Democratic Party recommends the use of the following Rules of Procedure for Democratic Town Conventions.

- RULE 1** The first item of convention business is to determine which individuals are eligible to vote at this convention. To be eligible to vote, an individual must comply with both of the following requirements:
- (1) The individual must be a registered voter of this town, according to the list of voters supplied by the county voter registration office.
  - (2) The individual must sign a statement, under penalties of perjury, stating the following:
    - (A) The individual is a member of the Democratic Party, and no other party.
    - (B) The individual either:
      - (i) voted the Democratic Party ballot at the 2002 primary election and supported a majority of the candidates nominated by the Democratic Party in the 2000 general election; OR
      - (ii) if the individual did not vote the Democratic Party ballot at the 2002 primary election, that the individual intends to vote for a majority of the Democratic Party's nominees at the 2003 municipal election.
- RULE 2** The town chair shall determine who is eligible to vote at this convention by comparing the list of registered voters with the signed statement signed by each individual who wishes to vote. The chair shall then announce to the convention whether or not all persons who have signed a statement are eligible to vote at the convention. If the chair determines that everyone who has signed the statement is eligible, the convention shall proceed to the next item of business.
- RULE 3** If the town chair determines that one or more persons who have signed statements are not eligible, the chair shall announce the names of those persons to the convention, and shall ask if there is any objection to the chair's ruling. An objection is not required to be seconded. If any person objects to the chair's ruling, the chair shall put the following question to the voters whose eligibility is not in question: "Does John Smith meet the requirements to participate as a Democratic voter in this convention?" The voters shall indicate "YES" or "NO." The secretary of the convention shall count the numbers for both "YES" and "NO" and report the results to the convention. The chair shall repeat this process for each individual whose eligibility is in dispute.
- RULE 4** After the chair and convention determine who is eligible to vote, the convention shall proceed to the adoption of these rules. The chair must submit copies of these proposed rules to the eligible members of the convention before a vote is taken to adopt the rules. The chair shall ask if there is debate or question regarding the proposed rules. At the conclusion of debate, the chair shall entertain a motion for adoption of these rules, with any amendments agreed to by the convention. If seconded, this motion shall immediately be put to a voice vote, without further debate.



- RULE 5** The convention shall permit nonvoting observers, media representatives, and other interested individuals to attend the convention and observe it in action. However, the chair may restrict the access of any such individual to the area where ballots are being processed or counted.
- RULE 6** Each candidate for nomination by the convention may appoint one (1) individual to be a candidate watcher by notifying the chair of this appointment before nomination and balloting for candidates. The chair shall announce the names of the candidate watchers to the convention before proceeding to the nomination of candidates. A candidate watcher may witness any and all activities of the tellers and the chair in conducting the business of the convention.
- RULE 7** The chair shall keep order at the convention, and may appoint one or more sergeants-at-arms to assist the chair in preserving order. If any individual, whether or not an eligible voter, disrupts or attempts to disrupt the work of the convention, the chair shall first call that individual to order, and warn the individual that future disruption will result in the individual's expulsion from the convention. If an individual continues or resumes the disruptive actions, the chair shall then order the person expelled from the convention, and if the person does not leave the convention promptly and voluntarily, shall call upon the sergeants-at-arms or any available law enforcement officers to remove the person as a trespasser. The chair is authorized on behalf of the Party to file any necessary complaint with the prosecuting attorney of the county to hold this individual responsible for the trespass or the disruption of the convention.
- RULE 8** The third item of convention business shall be the certification of candidates. The chair shall read the names of the candidates who have filed for nomination to each town office for which there is a contest, and the date on which each candidate filed with the circuit court clerk of the county. The chair shall recognize each candidate, in order of filing, to speak to the convention for a total of five minutes. If the candidate is unable or unwilling to speak, the chair may recognize one or more supporters of the candidate to speak, but for no more than five minutes in total.
- RULE 9** In accordance with state law, the chair shall decline to recognize any person for the purpose of nominating a candidate who has not previously filed a declaration of candidacy with the county before the deadline set by statute.
- RULE 10** After the end of the candidate presentations for this office, the chair shall designate two persons to serve as tellers to conduct the election. The secretary of the convention may serve as one of the tellers.
- RULE 11** The chair shall then direct the tellers to distribute one paper ballot to each eligible member of the convention. When each member has voted the ballot, a teller shall collect the ballot. When all members who wish to vote have returned their ballots to the tellers, the tellers shall count the ballots in an area in the convention room designated by the chair (or in another location, subject to the approval of all candidate watchers). Candidate watchers may observe this count, but may not handle ballots.
- RULE 12** The tellers shall provide the chair with a written report specifying the number of votes cast for each candidate. The chair shall then announce the results of the ballot. If a candidate has received a majority vote of those casting a vote for a

candidate, the chair shall declare that the candidate has been nominated as the Democratic Party candidate for this office.

**RULE 13** If any ballot results in a tie vote between the candidates receiving the highest number of votes, the chair may cast the deciding vote, or may call for another ballot.

**RULE 14** If no candidate receives a majority of the votes cast for a candidate on the first ballot, then a second ballot is conducted. However, the candidate who received the fewest number of votes on the first ballot is eliminated from further consideration by the convention. If no candidate receives a majority of the votes cast for a candidate on the second ballot, the candidate with the fewest votes on the second ballot is eliminated, beginning with the third ballot, and so forth on each following ballot, until a candidate receives a majority of the votes cast for a candidate.

**RULE 15** If the convention is to nominate a Democratic Party candidate for more than one contested town office, the convention shall conduct the voting in the following order:  
(1) Town Clerk-Treasurer.  
(2) Town Council Members, with members elected at large followed by members elected from a district or ward.  
(3) Town Judge.

**RULE 16** These rules take effect immediately upon approval by the convention and are effective retroactively regarding the procedures used to determine the eligibility of persons to vote at the convention.

**ADOPTED, THIS THE \_\_\_\_\_ DAY OF AUGUST, 2003:**

\_\_\_\_\_  
**Printed Name**

**Town Chair**

**Democratic Party of the Town of \_\_\_\_\_**

\_\_\_\_\_  
**County, Indiana**

**ATTEST:**

\_\_\_\_\_  
**Printed Name**

**Town Secretary**

**Democratic Party of the Town of \_\_\_\_\_**

\_\_\_\_\_  
**County, Indiana**

**REPUBLICAN PARTY  
TOWN CONVENTION  
RULES OF PROCEDURE**

These rules are adopted under Indiana Code 3-8-5-12 to establish procedures necessary for the convention to conduct business.

Rule 1. The first item of convention business is to determine which individuals are eligible to vote at this convention. To be eligible to vote, an individual must comply with both of the following requirements:

- (1) The individual must be a registered voter of this town, according to the list of voters supplied by the county voter registration office.
- (2) The individual must sign a statement, under penalties of perjury, stating the following:
  - a. The person is a member of the Republican Party and no other party;
  - b. The individual:
    - i. voted the Republican Party ballot at the 2002 primary election according to the records of the county voter registration office and supported a majority of the candidates nominated by the Republican Party in the 2002 general election OR;
    - ii. if the individual did not vote a Republican Party ballot in the 2002 primary election according to the records of the county voter registration office, that the individual intends to vote for a majority of the Republican Party's nominees in the 2003 municipal election.

Rule 2. The town chairman shall determine who is eligible to vote at the convention by comparing the list of registered voters with the signed statement signed by each individual who wishes to vote. The chairman shall then announce to the convention whether or not all persons who have signed a statement are eligible to vote at the convention. If the chairman determines that everyone who has signed the statement is eligible, the convention shall proceed to the next item of business.

Rule 3. If the town chairman determines that one or more persons who have signed statements are not eligible, the chairman shall announce the names of those persons to the convention, and ask if there is any objection to the chairman's ruling. An objection is not required to be seconded. If any person objects to the chairman's ruling, the chairman shall put the following question to the voters whose eligibility is not in question: "Does *John Smith* meet the requirements to participate as a Republican voter in the convention?" The voters shall stand to indicate "YES" or "NO." The secretary of the convention shall count the numbers standing for both "YES" and "NO" and report the results to the convention. The chairman shall repeat this process for each individual whose eligibility is in dispute.

Rule 4. After the chairman and convention who is eligible to vote, the convention shall proceed to the adoption of these rules. The chairman must submit copies of these proposed rules to the eligible members of the convention before a vote is taken to adopt the rules. The chairman shall ask if there is debate or question regarding the proposed rules. At the conclusion of debate, the chair shall entertain a motion for adoption of these rules, with any amendments agreed to by the convention. If seconded, this motion shall immediately be put to a vote without further debate.

Rule 5. The Convention shall permit nonvoting observers, media representatives, and other interested individuals to attend the convention and observe it in action. However, the chair may restrict the access of any such individual to the area where ballots are being processed or counted.

Rule 6. Each candidate for nomination by the convention may appoint one (1) individual to be a candidate watcher by notifying the chairman of this appointment before nomination and balloting

for candidates. The chairman shall announce the names of the candidate watchers to the convention before proceeding to the nomination of candidates. A candidate watcher may witness any and all activities of the tellers and the chairman in conducting the business of the convention.

Rule 7. The chairman shall keep order at the convention, and may appoint one or more sergeant-at-arms to assist the chair in preserving order. If any individual, whether or not an eligible voter, disrupts or attempts to disrupt the work of the convention, the chairman shall first call that individual to order, and warn the individual that future disruption will result in the individual's expulsion from the convention. If an individual continues or resumes the disruptive actions, the chairman shall then order the person expelled from the convention, and if the person does not leave the convention promptly and voluntarily, shall call upon the sergeant-at-arms or any available law enforcement officers to remove the person as a trespasser. The chairman is authorized on behalf of the Party to file any necessary complaint with the prosecuting attorney of the county to hold the individual responsible for the trespass or the disruption of the convention.

Rule 8. The third item of convention business shall be the certification of candidates. The chairman shall read the names of the candidates who have filed for nomination to each town office for which there is a contest, and the date on which each candidate filed with the circuit court clerk of the county. The chairman shall recognize each candidate, in order of filing, to speak to the convention for a total of five minutes. If the candidate is unable or unwilling to speak, the chairman may recognize one or more supporters of the candidate to speak, but for no more than five minutes in total.

Rule 10. In accordance with state law, the chairman shall decline to recognize any person for the purpose of nominating a candidate who has not previously filed a declaration of candidacy with the county before the deadline set by statute.

Rule 11. At the end of the candidate presentations for this office, the chairman shall designate two persons to serve as tellers to conduct the election. The secretary of the convention may serve as one of the tellers.

Rule 12. The chairman shall then direct the tellers to distribute one paper ballot to each eligible member of the convention. When each member has voted a ballot, a teller shall collect the ballot. When all members who wish to vote have returned their ballot to the tellers, the tellers shall count the ballots in an area in the convention room designated by the chairman (or in another location, subject to the approval of the candidate watchers). Candidate watchers may observe this count, but may not handle ballots.

Rule 13. The tellers shall provide the chairman with a written report specifying the number of votes cast for each candidate. The chairman shall then announce the results of the ballot. If a candidate has received a majority vote of those casting a vote for a candidate, the chairman shall declare that the candidate has been nominated as the Republican Party candidate for this office.

Rule 14. If any ballot results in a tie vote between the candidates receiveing the highest number of votes, the chairman may cast the deciding vote, or may call for another ballot.

Rule 15. If no candidate receives a majority of the votes cast for a candidate on the first ballot, then a second ballot is conducted. However, the candidate who received the fewest number of votes on the first ballot is eliminated from further consideration by the convention. If no candidate receives a majority of the votes cast for a candidate on the second ballot, the candidate with the fewest votes on the second ballot is eliminated, beginning with the third ballot, and so forth on each following ballot, until a candidate receives a majority of the votes cast for a candidate.

Rule 16. If the convention is to nominate a Republican Party candidate for more than one contested town office, the convention shall conduct the voting in the following order:

- (1) Town Clerk-Treasurer
- (2) Town Council Members, with the members elected at large followed by members elected from a district or ward.
- (3) Town Judge.

Rule 17. These rules take effect immediately upon approval by the convention and are effective retroactively regarding the procedures used to determine the eligibility of persons to vote at the convention.

ADOPTED THIS \_\_\_\_\_ DAY OF AUGUST, 2003.

\_\_\_\_\_  
Printed Name:  
Town Chairman  
Republican Party of the Town of \_\_\_\_\_  
\_\_\_\_\_ County, Indiana

ATTEST:

\_\_\_\_\_  
Printed Name:  
Town Secretary  
Republican Party of the Town of \_\_\_\_\_  
\_\_\_\_\_ County, Indiana